



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 3781-00

17 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 31 May 1977 at the age of 18. Your record reflects that you served a year without incident. However, during the period from 31 May 1978 to 21 May 1981 you were in an unauthorized absence (UA) status on five occasions.

Your record further reflects that on 30 April 1981 you were convicted by special court-martial (SPCM) of the five periods of UA totalling 839 days. You were sentenced to confinement at hard labor for 90 days, a \$525 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, you submitted a written statement requesting remission of the BCD. However, the BCD was approved at all levels of review and ordered executed. On 3 November 1982 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you were confined without representation from legal counsel. However, the

Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent and lengthy periods of UA from the Navy. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contention. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director